

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1966 - HB 2091

February 20, 2020

SUMMARY OF BILL: Enhances the penalty for the offense of voluntary manslaughter to a Class B felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$4,965,100 Incarceration*

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-211, voluntary manslaughter is a Class C felony offense.
- Based on information provided by the Department of Correction (DOC), there has been an average of 52.2 admissions for voluntary manslaughter each year over the last 10 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.81 percent per year for each of the past 10 years (from 2008 to 2018), yielding a projected compound population growth rate of 8.37 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for four (52.2 x 8.37%) additional admissions for a total of 56 (52.2 + 4).
- According to the DOC, 46.4 percent of offenders will re-offend within three years of their release. A recidivism discount of 46.4 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under the proposed legislation (56 offenders x 46.4% = 26 offenders).
- The average time served for voluntary manslaughter is six years.
- This analysis assumes individuals convicted of a Class B felony offense of voluntary manslaughter will serve 12 years under the proposed legislation.
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- The draft legislation will result in each admission serving an additional six years (12 – 6).
- Pursuant to Tenn. Code Ann. § 9-4-210, 30 (56 – 26 recidivism discount) offenders will be admitted every year serving an additional 2,191.5 days (6 x 365.25). The annualized

increase in state incarceration expenditures is estimated to be \$4,965,062 (\$75.52 x 2,191.5 x 30).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj